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2 **UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

4 WINDMILL & EASTERN, LLC, a Nevada  
5 limited liability company,

6 Plaintiff,

7 v.

8 SIMON SHAKIB, an individual and as the  
9 trustee of the Nevada K, LLC Defined Pension  
10 Plan; ZANNA SHAKIB, an individual and as  
11 trustee of the Nevada K, LLC Defined Pension  
12 Plan; NEVADA K, LLC, a Nevada limited  
liability company, and DOES I through X; and  
ROE ENTITIES I through X, inclusive,

Defendants.

Case No.: 2:11-cv-01082-LDG -PAL

**Judgment**

13 Pursuant to the Order (docket #52) granting Plaintiff Windmill & Eastern, LLC's  
14 Countermotion for Summary Judgment on its declaratory relief claim against Defendants, Simon  
15 Shakib, individually and as trustee of the Nevada K, LLC Defined Pension Plan, Zanna Shakib,  
16 individually and as trustee of the Nevada K, LLC Defined Pension Plan, and Nevada K, LLC,  
17 and for good cause shown, the Court enters judgment as follows:

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Nevada K, LLC  
19 Defined Pension Plan was not subject to ERISA when defendants pledged Certificate of Deposit  
20 #3400016756 ("CD") as partial collateral for a Bank of Nevada loan.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the CD was not an  
22 asset of the Nevada K, LLC Defined Pension Plan when defendants pledged it as security for the  
23 Bank of Nevada loan.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff did not lose  
25 its security interest in the CD after the CD was rolled into a new certificate of deposit titled in the  
26 name of the Nevada K, LLC Defined Pension Plan ("Rollover CD").

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is entitled to  
2 offset the outstanding debt owed by Defendant Simon Shakib with the Rollover CD.

3 Dated this 29 day of September, 2014.

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5 U.S. DISTRICT COURT JUDGE  
6 LLOYD D. GEORGE  
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